



HM Revenue  
& Customs

HMFA  
(via email)

**Wealthy/Mid-sized Business Compliance**  
**HM Revenue and Customs**  
S0733  
NEWCASTLE  
NE98 1ZZ

**Phone** 03000 531898

**Email** mike.barlow@hmrc.gsi.gov.uk

**Web** www.gov.uk

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## **VAT liability of charges to overseas customers for non-elective treatment.**

(The issue of *elective* (non-urgent) treatment is considered to be business activities that are exempt healthcare.)

### **Legislation**

NHS Charges to Overseas Visitors Regulations 2015, and the VAT treatment of non-elective (urgent and necessary) treatment.

### **Guidance**

DHSC Publication May 2018 - Guidance on implementing the overseas visitor charging regulations

<https://www.gov.uk/government/publications/guidance-on-overseas-visitors-hospital-charging-regulations>

### **HMRC opinion on VAT treatment of these supplies**

HMRC accepts that the provision of non-elective (urgent and necessary) treatment to overseas visitors is provided under a duty to treat and are charged for under restrictions that the NHS are legally obliged to enforce. They are therefore non-business activities that are outside the scope of VAT.

### **HMRC does not consider this a change of policy**

### **Claims for refunds of VAT and COS VAT**

Some NHS Trusts will have interpreted the guidance published by DHSC that the income stream was exempt from VAT and accounted for it accordingly.

Customers reviewing their treatment of these supplies may seek a refund of tax from HMRC. Any claims under VATA S41 (3) must be made within the COS time limits. (HMRC guidance in VATGPB 9720 applies)

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Information is available in large print, audio and Braille formats.  
Text Relay service prefix number – 18001



Any claims for Input Tax are subject to the normal time limits (Notice 700/45 refers).

Customers with a Customer Compliance Manager (CCM) should submit claims via their CCM. All other claims should be submitted to [nhs.pbg@hmrc.gsi.gov.uk](mailto:nhs.pbg@hmrc.gsi.gov.uk)

<https://www.gov.uk/government/organisations/hm-revenue-customs/contact/vat-correct-errors-on-your-vat-return>

**Mike Barlow**

Sector Relationship Manager

To find out what you can expect from us and what we expect from you go to [www.gov.uk/hmrc/your-charter](http://www.gov.uk/hmrc/your-charter) and have a look at 'Your Charter'.